

No.

200700045



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**  
**South Dakota Agricultural Experiment Station**

*Whereas*, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

OAT

'Stallion'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of September, in the year two thousand and seven.*

Attest:

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| 1. NAME OF OWNER<br>South Dakota Agricultural Experiment Station  |  | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME<br>SD000366-36   |  | 3. VARIETY NAME<br>Stallion   |  |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)<br>South Dakota State University<br>AGH 129<br>Brookings, SD 57007   |  | 5. TELEPHONE (include area code)<br>(605) 688-4149   |  | FOR OFFICIAL USE ONLY<br>PVPO NUMBER<br><b>#200700045</b><br>FILING DATE<br><b>DECEMBER 1, 2006</b>   |  |
|   |  | 6. FAX (include area code)<br>(605) 688-6065   |  |   |  |
| 7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)<br>Agricultural Experiment Station   |  | 8. IF INCORPORATED, GIVE STATE OF INCORPORATION  |  | 9. DATE OF INCORPORATION  |  |
| 10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)<br>Dr. John Kirby, Director<br>SD Ag Experiment Station<br>Box 2207<br>SDSU<br>Brookings, SD 57007  |  |  |  | F E E R E C E I V E D<br>FILING AND EXAMINATION FEES:<br>\$ 4,382.00<br>DATE 12/1/06<br>CERTIFICATION FEE<br>\$ 768.00<br>DATE 7/17/07  |  |
| 11. TELEPHONE (Include area code)<br>(605) 688-4758   |  | 12. FAX (Include area code)<br>(605) 688-4602  |  | 13. E-MAIL<br>Lon.Hall@sdsstate.edu   |  |
| 14. CROP KIND (Common Name)<br>Oats   |  | 16. FAMILY NAME (Botanical)<br>Gramineae, Aveneae  |  | 18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL)<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.   |  |
| 15. GENUS AND SPECIES NAME OF CROP<br>Avene Sativa  |  | 17. IS THE VARIETY A FIRST GENERATION HYBRID?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |  |   |  |
| 19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)  |  |  |  | 20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)<br><input checked="" type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23)   |  |
| a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety<br>b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness<br>c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety<br>d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional)<br>e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership<br>f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit<br>g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)<br>h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office) |  |  |  | 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED  |  |
|   |  |  |  | 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS.<br><input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED<br>(If additional explanation is necessary, please use the space indicated on the reverse.) |  |
| 23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 3-1-06<br>IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)  |  |  |  | 24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)  |  |

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

|  |  |  |  |
|--|--|--|--|
| SIGNATURE OF OWNER<br>Dr. John Kirby           |  | SIGNATURE OF OWNER<br>Lon Hall             |  |
| NAME (Please print or type)<br>Director, SDAES |  | NAME (Please print or type)<br>Oat Breeder |  |
| CAPACITY OR TITLE                              |  | CAPACITY OR TITLE                          |  |
| DATE<br>13/Nov/06                              |  | DATE<br>NOV 20 2006                        |  |
|  |  | SEED REGULATORY AND TESTING BRANCH         |  |

(See reverse for instructions and information collection burden statement)

**GENERAL INSTRUCTIONS:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

**Plant Variety Protection Office**  
**Telephone:** (301) 504-5518 **FAX:** (301) 504-5291  
**General E-mail:** PVPOmail@usda.gov  
**Homepage:** <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

#200700045

**SPECIFIC INSTRUCTIONS:**

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870.  
<http://www.ams.usda.gov/lsg/seed.htm>.

**ITEM**

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
(2) the details of subsequent stages of selection and multiplication;  
(3) evidence of uniformity and stability; and  
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
(1) identify these varieties and state all differences objectively;  
(2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

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**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

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**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

---

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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EXHIBIT A  
STALLION (SD000366-36)  
Origin and Breeding History of the Variety

'Stallion', a white-hulled spring oat, was developed by the South Dakota Agricultural Experiment Station (SDAES) and released in 2006. Stallion was tested as experimental line SD000366-36. SD000366-36 was an F<sub>9</sub> derived line developed from a three-way cross. In 1996, the line SD89507 was crossed with an F<sub>1</sub> having SETTLER/SD93068 parentage. The complete pedigree is Settler/4/Nodaway70/Dal//MN73231/3/Dumont/5/Settler/6/ND750432/Moore//II75-3402/4/MN72-3/72-29//Dal/Nodaway70/3/Spear/Kelsey//Nodaway70/MN72-3.

Stallion was developed by means of the bulk breeding method. The cross coded X10142 was advanced to the F<sub>3</sub> generation as a bulk population. In 1999, seed from an F<sub>3</sub> panicle was planted as a F<sub>3:4</sub> derived line as a head row in the crown rust screening nursery. Selection criteria included plant phenotype, crown rust resistance, seed color, and seed quality. In 2000, the line coded SD000366 was grown in the unreplicated Preliminary Yield Trial. Additional selection criteria included yield, test weight, lodging resistance, and if present field disease ratings (crown rust, stem rust, and Barley Yellow Dwarf). SD000366 was advanced to the to the Advanced Yield Trials in 2001 where protein and oil content were added to the selection criteria. Due to superior performance in the 2002 Tristate Regional Yield Trial Nursery it was selected for purification. Five hundred plants derived from SD000366 were screened for crown rust resistance, seed color, and quality in the 2002 fall greenhouse cycle. One hundred and ninety two F<sub>9</sub> seeds, selected from individual plants, were grown in 2003 spring greenhouse cycle for a single plant increase. Breeder seed originated from a F<sub>9:10</sub> derived line coded SD000366-36, which was selected from the SD000366 Purification Nursery, in 2003. It was selected for a winter preliminary increase in New Zealand. SD000366-36 underwent a minor increase in 2004 and a major increase by Foundation Seed Stocks in 2005. SD000366-36 was evaluated in the 2004-2005 South Dakota Standard Variety Oat Yield Trials (SVO) and the 2005 regional Uniform Midseason Oat Performance Nursery (UMO). It was approved for release as a variety and sold as Foundation Seed for the 2006 growing season.

Stallion has been observed to have up to 10 inch taller variants. These variants were first observed in the New Zealand preliminary increase. They were also observed in the oat projects minor increase, Foundation Seed Stocks major increase, and in production fields. They are more distinguishable in stress environments. The maximum ratio calculated was 1 tall in 200 plants.

Stallion was observed in the 2003 purification nursery, 2004-2006 SVO, 2005 UMO, and the seed increases. Stallion appears to be genetically stable; however, the height and percentage of variants expressed varies with environment. Observations of variants are infrequent in small research plots; however, soil variability in a production fields increases the probability of expression in areas of environmental stress.

EXHIBIT B  
Stallion (SD000366-36)  
Statement of Distinction

Stallion is most similar to 'Jerry', but differs in the following characteristics:

- 1) Grain Yield: Stallion's average grain yield was 12 bushels per acre more than Jerry (Table 1.)
- 2) Test Weight: Stallion's average test weight was .9 lbs per bushel more than Jerry (Table 1.)
- 3) Plant Height: Stallion's average plant height was 1.7 inches taller than Jerry (Table 1). Stallion may express up to .5 percent taller variants that will range from 6 to 10 inches taller than the majority of the population.
- 4) Heading Date: Stallion's average heading date was 2.6 days later than Jerry (Table 2).
- 5) Lodging: Stallion lodged 19 percent more than Jerry (Table 2).
- 6) Protein: Stallion's protein content is .6 percent higher than Jerry (Tables 1 and 2).
- 7) Oil: Stallion's oil content is 1.4 percent higher than Jerry (Table 2)
- 8) Crown rust resistance: Stallion is rated moderately resistant to crown rust, including the most recently labeled race CR254. Jerry is rated susceptible to moderately susceptible (Tables 3 and 4).
- 9) Acid Polyacrylamide Gel Electrophoresis: Acid Polyacrylamide Gel Electrophoresis shows the tall plants in Stallion are variants; it also shows Stallion has a distinct seed storage banding pattern compared to Jerry (Figure 1.). The first lane is a bulk sample of Stallion; the second and third lanes are seeds selected from 10 tall panicles and 10 average height panicles respectively. The fourth lane is Jerry.

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Table 1. Comparison of mean grain yield, test weight, plant height, and protein content with selected genotypes in the 2003-2005 South Dakota Standard Variety Oat Performance Trials.

| Genotype  | *%Frequency<br>top yield group | Grain Yield<br>bu/acre | Test weight<br>lbs/bu | Plant height<br>inches | Grain<br>Protein% |
|-----------|--------------------------------|------------------------|-----------------------|------------------------|-------------------|
| HiFi      | 100                            | 119                    | 35.7                  | 36.0                   | 14.9              |
| Stallion  | 100                            | 115                    | 37.3                  | 37.0                   | 16.1              |
| Morten    | 100                            | 113                    | 35.7                  | 37.7                   | 15.5              |
| Loyal     | 100                            | 109                    | 35.6                  | 36.4                   | 16.0              |
| Jerry     | 60                             | 103                    | 36.4                  | 35.3                   | 15.7              |
| Don       | 0                              | 99                     | 36.1                  | 30.6                   | 14.8              |
| Reeves    | 20                             | 95                     | 36.4                  | 36.0                   | 15.8              |
| Hytest    | 20                             | 88                     | 38.7                  | 37.2                   | 17.9              |
| Loc. Yrs. | 21                             | 21                     | 21                    | 21                     | 21                |

\*top yield group at the .05 LSD level.

Table 2. Comparison of selected genotypes from 35 entries grown in the 2005 regional Uniform Midseason Oat Performance Nursery (UMOPN).

| VARIETY    | JULIAN  |         | GROAT   |         |         |       |         |
|------------|---------|---------|---------|---------|---------|-------|---------|
|            | HEADING | LODGING | GROAT   | PROTEIN | YIELD   | GROAT | BETA    |
|            | DATE    | PERCENT | PERCENT | PERCENT | (lbs/A) | OIL%  | GLUCAN% |
| OGLE       | 166.4   | 29      | 70.2    | 15.7    | 432     | 5.3   | 3.8     |
| STALLION   | 168.7   | 52      | 69.9    | 17.0    | 495     | 6.4   | 3.9     |
| JERRY      | 166.1   | 33      | 69.6    | 16.1    | 423     | 5.0   | 4.3     |
| ASSINIBOIA | 170.7   | 34      | 70.8    | 15.8    | 449     | 5.3   | 3.7     |
| TEST MEAN  | 168.4   | 38      | 69.1    | 16.0    | 446     | 5.4   | 3.7     |
| LOCATIONS  | 14.0    | 11      | 11.0    | 11.0    | 11.0    | 11.0  | 3.0     |

Table 3. Reaction to crown rust in the 2005 UMOPN

| VARIETY    | ST. PAUL, MN <sup>1</sup> |          | FARGO <sup>2</sup> | AMES <sup>3</sup> | Brookings <sup>1</sup> |
|------------|---------------------------|----------|--------------------|-------------------|------------------------|
|            | Rep 1                     | Rep 2    | Seedling           | IA                | crown rust %           |
| OGLE       | 40 MS-S                   | 50 MS-S  | 40 S               | 3                 | 90                     |
| STALLION   | 20 R-MS                   | 30 MR-MS | 5 MR               | 0                 | 35                     |
| JERRY      | 40 MS-S                   | 50 MS-S  | 60 S               | 0                 | 97                     |
| ASSINIBOIA | T MS                      | 5 MR-MS  | Tr S               | 0                 | 3                      |

<sup>1</sup> Nursery grown adjacent to buckthorn hedges.

<sup>2</sup> Inoculated with a rust composite, hill plot

<sup>3</sup> 0 = no symptoms to 9 = no seed expected

#200700045

Table 4. 2005 UMO seedling reaction to crown rust at Winnipeg, Manitoba

| VARIETY    | CROWN RUST ISOLATES |       |        |       |       |       |       |
|------------|---------------------|-------|--------|-------|-------|-------|-------|
|            | CR225               | CR223 | CR13   | CR200 | CR241 | CR249 | CR254 |
| OGLE       | 4                   | ;1    | 34     | 4     | 4     | 4     | 4     |
| STALLION   | 0                   | 0     | 0      | 0     | ;     | 0     | ;1    |
| JERRY      | ;-                  | 0     | ;- 4sp | 34    | 23    | ;1-   | 12    |
| ASSINIBOIA | ;-                  | 0     | 0      | 0 (4) | 0     | 0     | 4     |

; = chlorotic or necrotic spots with no pustule development, 1 = resistant, 2 = moderately resistant, 3 = moderately susceptible, 4 = susceptible



Figure 1.

LON HALL - OATS

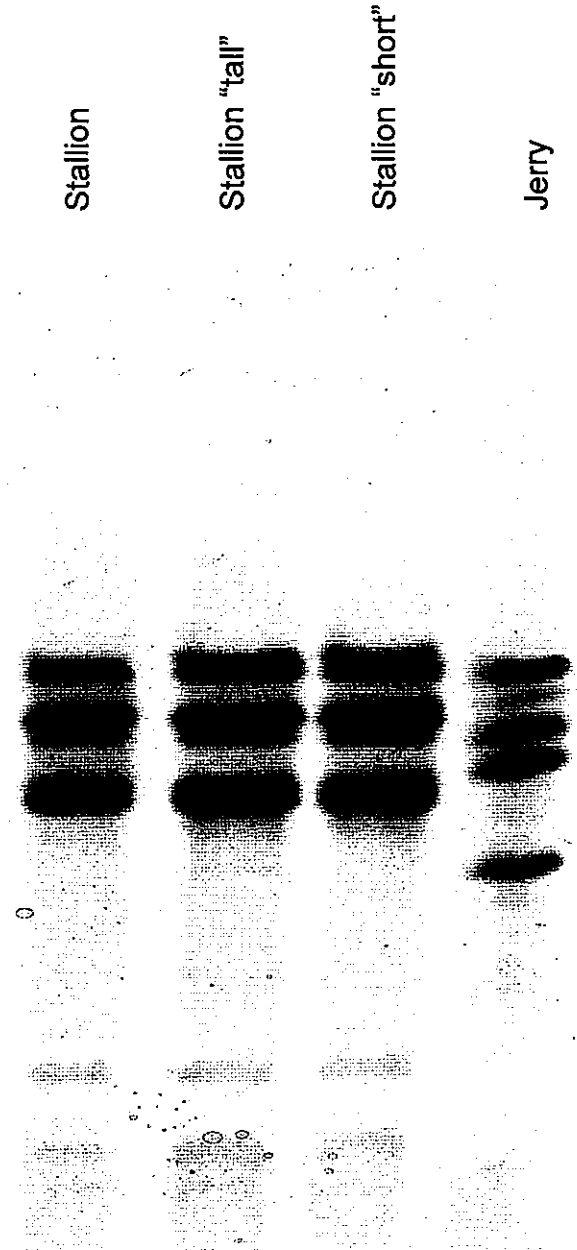
SDSU Seed Testing  
Lab

PAGE Gel #06-072  
10/11/06

All lanes are bulk extractions.

There don't seem to be any  
differences between Stallion "tall" and  
Stallion "short".

The variety Jerry doesn't match any  
of the other lanes.



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SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY  
Oat (*Avena* spp.)

|   |  |  |
|---|--|--|
| NAME OF APPLICANT (S)<br>SOUTH DAKOTA AGRICULTURAL<br>EXPERIMENT STATION  | TEMPORARY OR EXPERIMENTAL DESIGNATION<br>SD000366-36 | VARIETY NAME<br>STALLION                           |
| ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country)<br>SOUTH DAKOTA STATE UNIVERSITY<br>AG HALL 129<br>BROOKINGS, SD 57007 |  | FOR OFFICIAL USE ONLY<br>PVPO NUMBER<br>#200700045 |

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box  
(i.e.    or   ) when the number is either 99 or less or 9 or less.

## 1. SPECIES:

1 = *Sativa*2 = *Byzantina*

3 = Other (Specify) \_\_\_\_\_

## 2. GROWTH HABIT:

1 = Winter

2 = Semi-Winter

3 = Spring

Juvenile Growth:

1 = Prostrate

2 = Semi-Prostrate

3 = Erect

## 3. MATURITY: (50% Flowering)

Number of days

No. Days Earlier Than

\*

Same as Check

\*

No. of Days Later Than

\* JERRY

Season:

1 = Very Early (Jaycee) 2 = Early (Nodaway 70) 3 = Mid-Season (Clintford)  
4 = Late (Lodi) 5 = Very Late (Gerry) 6 = Extremely Late (Mackinaw)

## 4. PLANT HEIGHT: (From Soil Level to Top of Head)

cm Tall

cm Shorter Than

\*

Same as Check

\*

cm Taller Than

\* JERRY

\* Relative to a Commercial Variety Grown in the Same Trial

## 5. STEM:

Diameter: 1 = Fine (Kherson) 2 = Medium (Clintford) 3 = Coarse (Nodaway 70)  
 Hairiness at Upper Culm Nodes: 1 = Hairless 2 = Hairy  
 Mature Stem Color 1 = Yellow 2 = Reddish

## 6. LEAF: (Leaf Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

Carriage: 1 = Drooping (Random) 2 = Erect (Walken)  
 Color: 1 = Yellow-Green 2 = Light Green 3 = Dark Green 4 = Blue-Green  
  mm Width (First leaf below flag leaf)  Leaf Margin: 1 = Glabrous 2 = Ciliate  
 Ligule: 1 = Absent 2 = Present  Leaf Sheath: 1 = Hairless 2 = Hairy

## 7. HEAD:

Panicle Shape: 1 = Equilateral 2 = Intermediate 3 = Side Panicle (Unilateral)  
 Attachment of Lower Whorl of Branches: 1 = First Node 2 = Second Node (False Node)  
 Panicle Size: 1 = Small (Yancey) 2 = Medium (Walken) 3 = Large (Markton)  
 Panicle Width: 1 = Narrow (Gopher) 2 = Midbroad (Yancy) 3 = Broad (Nodaway 70)  
  cm Panicle Length   Number of Branches   Number of Whorls of Branches  
 Position of Branches: 1 = Ascending (Yancey) 2 = Spreading (Cayuse) 3 = Drooping (Markton)  
 4 = Pectinate (White Tarter) 5 = Confused (Storm King)

## 8. RACHIS:

1 = Recurved (Yancey) 2 = Erect (Walken)   mm Second Floret Rachilla Segment Length  
 Second Floret Rachilla Segment: 1 = Hairless 2 = Hairy  Rachilla Hairs: 1 = Short 2 = Long

## 9. SPIKELET:

Spikelet Separation by: 1 = Abscission 2 = Semi-Abscission 3 = Fracture  
 Floret Separation by: 1 = Disarticulation 2 = Heterofracture 3 = Basifracture  
  Florets per Spikelet (Mean no.)

## 10. GLUMES: (Glume Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

mm Width   mm Length   No. of Veins on Glumes  Color: 1 = White 2 = Yellow 3 = Red 4 = Striped

## 11. LEMMA: (Lemma Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

mm Length  Color: 1 = White 2 = Yellow 3 = Red 4 = Gray 5 = Black  
 Hairiness of Dorsal Surface: 1 = Hairless 2 = Hairy

## 12. AWN: (First Floret)

Occurrence: 1 = Absent (Walken) 2 = Infrequent (Yancey) 3 = Common (Chilocco) 4 = Frequent (Random)  
 Type: 1 = Non-Twisted 2 = Twisted 3 = Twisted Geniculate  
  mm Awn Length

#200700045

## 13. SEED:

Florescence Under Ultraviolet Light:

1 = Florescent

2 = Non-Florescent

Basal Hair:

1 = Absent (Florida 501)

4 = Several to Numerous (Florilee)

2 = Absent to Few (Yancey)

5 = Numerous (Red Rustproof)

3 = Few to Several (Lee)

mm Basal Hair Length

gms per 1000 Seeds

mg Groat Weight (each)

% Groat Protein

% Groat Oil

## 14. INSECTS: (0 = Not Tested 1 = Susceptible 2 = Resistant)

Cereal Leaf Beetle

Bluegrass Billbug

Grain Bug (C. Sayi)

Nematode (Type) \_\_\_\_\_

Green Bug (Biotype) \_\_\_\_\_

Other (Specify) \_\_\_\_\_

## 15. DISEASE: (0 = Not Tested 1 = Susceptible 2 = Resistant)

Halo Blight

Powdery Mildew

Septoria Leaf Blotch

Soil-Borne Mosaic Virus

Helminthosporium  
Leaf Blotch

Yellow Dwarf Virus

Victoria Blight

Other (Specify) \_\_\_\_\_

Specify Races Tested:

Crown Rust

Stem Rust

Covered Smut

Loose Smut

| Races Susceptible | Races Resistant           |
|-------------------|---------------------------|
| NA29, NA67        | CR13, CR200, CR223, CR225 |
|                   | CR241, CR249, CR254       |
|                   |                           |
|                   |                           |

## 16. INDICATE THE VARIETY YOU BELIEVE MOST CLOSELY TO RESEMBLE THAT SUBMITTED:

| CHARACTER       | VARIETY | CHARACTER     | VARIETY |
|-----------------|---------|---------------|---------|
| Plant Tillering | JERRY   | Leaf Color    | DON     |
| Leaf Size       | HYTEST  | Leaf Carriage | HYTEST  |
| Seed Color      | JERRY   | Seed Shape    | JERRY   |

COMMENTS:

Exhibit D  
Stallion (SD000366-36)  
Additional Description of the Variety

The following additional descriptive information is presented:

- 1) Table 2. Comparison of selected genotypes from 35 entries grown in the 2005 regional Uniform Midseason Oat Performance Nursery (UMOPN) for groat percent, groat protein yield, and beta-glucan percent.
- 2) Table 5: Yield and test weight comparison of selected genotypes from 35 entries grown in the 2005 UMOPN.
- 3) Table 6: Reaction to stem rust in the 2005 UMOPN.
- 4) Table 7: Reaction to BYDV and Smut in the 2005 UMOPN.
- 5) Release notice of Stallion.

Table 5. Yield and test weight comparison of selected genotypes from 35 entries grown in the 2005 regional Uniform Midseason Oat Performance Nursery (UMOPN).

| VARIETY    | TW   | YLD | LAC | OTT | AME | URB | W.L. | E.L. | MOR | RSM | FAR | MNT | ITHA | BK  | WAT | MAD |
|------------|------|-----|-----|-----|-----|-----|------|------|-----|-----|-----|-----|------|-----|-----|-----|
|            | AVG  | AVG | ALB | ONT | IA  | IL  | IN   | MI   | MN  | MN  | ND  | ND  | NY   | SD  | SD  | WI  |
| OGLE       | 34.6 | 107 | 75  | 119 | 169 | 149 | 152  | 106  | 57  | 42  | 147 | 118 | 76   | 102 | 77  | 115 |
| STALLION   | 38.1 | 117 | 73  | 106 | 174 | 151 | 185  | 72   | 94  | 74  | 162 | 136 | 101  | 110 | 88  | 112 |
| JERRY      | 37.6 | 104 | 71  | 105 | 178 | 126 | 153  | 95   | 80  | 45  | 131 | 107 | 93   | 95  | 68  | 104 |
| ASSINIBOIA | 36.3 | 112 | 80  | 85  | 163 | 94  | 164  | 91   | 101 | 65  | 151 | 137 | 98   | 127 | 108 | 106 |
| MEAN       | 36.9 | 112 | 73  | 105 | 168 | 127 | 164  | 88   | 83  | 56  | 155 | 133 | 91   | 116 | 96  | 111 |
| F Ratio    |      |     | 5   | 4   | 6   | --- | ---  | 3    | 3   | 23  | 9   | 6   | ---  | 8   | 7   | 1   |
| C.V.       |      |     | 7   | 14  | 5   | 10  | 6    | 13   | 17  | 13  | 7   | 9   | 15   | 7   | 8   | 17  |
| LSD .05    |      |     | 8   | 20  | 17  | 21  | 15   | 19   | 22  | 12  | 17  | 20  | 24   | 16  | 16  | 31  |
| Reps       |      |     | 3   | 3   | 2   | 3   | 4    | 3    | 3   | 3   | 2   | 2   | 3    | 2   | 2   | 3   |

Table 6. Reaction to stem rust in the 2005 UMOPN

| VARIETY    | AMES <sup>1</sup><br>IA | FARGO <sup>2</sup><br>seedling | WINN, MAN<br>(seedling, greenhouse) |      |
|------------|-------------------------|--------------------------------|-------------------------------------|------|
|            |                         |                                | NA29                                | NA67 |
| OGLE       | 0                       | S                              | 34                                  | 4    |
| STALLION   | 0                       | S                              | 4                                   | 34   |
| JERRY      | 0                       | S                              | ;1                                  | 4    |
| ASSINIBOIA | 0                       | S                              | 12-                                 | 4    |

<sup>1</sup> 0 = no symptoms to 9 = no seed expected

<sup>2</sup> Inoculated with Na 67, ; = chlorotic or necrotic spots with no pustule development,

1 = resistant, 2 = moderately resistant,

3 = moderately susceptible, 4 = susceptible

Table 7. Reaction to BYDV and Smut in the 2005 UMOPN

| VARIETY    | BYDV               |                   |                    | SMUT              |
|------------|--------------------|-------------------|--------------------|-------------------|
|            | URBAN <sup>1</sup> | AMES <sup>2</sup> | W.LAF <sup>3</sup> | ST.P <sup>4</sup> |
|            | IL                 | IA                | IN                 | MN                |
| OGLE       | 3.5                | 2                 | 6.8                | 80                |
| STALLION   | 5.0                | 0                 | 4.0                | 30                |
| JERRY      | 5.5                | 2                 | 3.8                | 70                |
| ASSINIBOIA | 3.0                | 3                 | 5.0                | 10                |

<sup>1</sup> 0=none, 9= dead. Inoculated nursery.

<sup>2</sup> 0 = no symptoms to 9 = no seed expected. Natural infection.

<sup>3</sup> 0=no yellow dwarf symptoms to 9=severe leaf discoloration and plant stunting.

<sup>4</sup> Percent Infection, artificially inoculated with a composite collection.

at 2 to 3 leaf stage with BYDV and CYDV viruliferous *R. padi*.

Symptoms recorded at 2 weeks after heading

**RE: Release of 'Stallion' oat 2005**

South Dakota Agricultural Experiment Station  
South Dakota State University  
Release of 'Stallion' Oat

'Stallion', a white-hulled spring oat, was developed by the South Dakota Agricultural Experiment Station (SDAES) and released in 2005. Stallion was tested as experimental line SD000366-36. SD000366-36 is an F9 derived line developed from a three-parent population SD89507/SETTLER/SD93068. The complete pedigree is Settler/4/Nodaway70 /Dal/MN73231/3/Dumont/5/Settler/6/ND750432/Moore/II75-3402/4/MN72-3/72-29/Dal/Nodaway70/3/Spear/Kelsey/Nodaway70/MN72-3.

Stallion, when compared to 'Jerry', has superior grain yield, test weight, groat percentage, and crown rust resistance. Stallion's seedling reaction to crown rust race CR254 is resistant; CR254 is a mutated race that has overcome the Pc68 gene. Stem rust, Barley Yellow Dwarf Virus, and smut resistance are similar to Jerry's and on average Stallion is 1.4 inches taller and heads 3.4 days later.

The following ratings are derived from an eleven locations summary of the 2005 Uniform Midseason Oat Performance Regional Nursery. Trait quality ratings ranged from high to low Disease ratings ranged from immune to susceptible.

| <u>Yield</u>      | <u>Test Weight</u> | <u>Maturity</u>      | <u>Straw Strength</u>      | <u>Height</u>   | <u>Groat%</u> | <u>Groat Yield</u> |
|-------------------|--------------------|----------------------|----------------------------|-----------------|---------------|--------------------|
| Medium-high       | High               | Medium-late          | Medium-low                 | Medium-high     | Medium-high   | High               |
| <u>Crown Rust</u> | <u>Stem Rust</u>   | <u>Smut</u>          | <u>Barley Yellow Dwarf</u> | <u>Protein%</u> | <u>Oil%</u>   | <u>Beta-glucan</u> |
| Resistant         | Susceptible        | Moderately Resistant | Moderately Resistant       | high            | Medium-high   | Medium-high        |

The following table is a two-year summary of South Dakota Crop Performance data:

| Standard Variety Oat Yield Trials 2004-2005 |          |          |            |          |             |         |         |
|---|----------|----------|------------|----------|-------------|---------|---------|
| SVO   | 15loc/yr | 15loc/yr | 3loc/yr    | 14loc/yr | 8loc/yr     | 3loc/yr | 9loc/yr |
| SUMMARY                                     | Yield    | Test wt  | Head       | Height   | Ldg         | Cr      | Protein |
| 2004-2005                                   | bu/a     | lb/bu    | 1-8(1=Don) | inches   | 1-5(1=best) | %       | %       |
| JERRY                                       | 106.7    | 36.1     | 3.8        | 36.5     | 3           | 70      | 15.4    |
| SD000366-36                                 | 112.4    | 36.7     | 5.5        | 38       | 4.1         | 1       | 15.5    |

Although Stallion was derived from the F9 generation, under certain environmental conditions, it may exhibit up to .5 per cent variants that are 6 to 10 inches taller than the average population. Also, the frequency of non-florescent seeds may be up to one percent.

Application for Plant Variety Protection is pending.

Foundation seed will be made available to interested growers by contacting Jack Ingemansen manager of SD Foundation Seed Stocks.

Phone: (605)-688-5418

Address: Jack Ingemansen, SD Foundation Seed Stocks, Plant Science Department, SDSU, Brookings, SD 57007



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

|  |   |  |
|--|---|--|
| 1. NAME OF APPLICANT(S)<br>South Dakota Agricultural Experiment Station  | 2. TEMPORARY DESIGNATION<br>OR EXPERIMENTAL NUMBER<br>SD000366-36 | 3. VARIETY NAME<br>Stallion                  |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)<br>South Dakota State University<br>Ag Hall 129<br>Brookings, SD 57007 | 5. TELEPHONE (Include area code)<br>(605) 688-4149                | 6. FAX (Include area code)<br>(605) 688-6065 |
| 7. PVPO NUMBER   |   |  |

#200700045

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☒ YES ☐ NO

10. Is the applicant the original owner?

☒ YES☐ NOIf no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES☐ NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES☐ NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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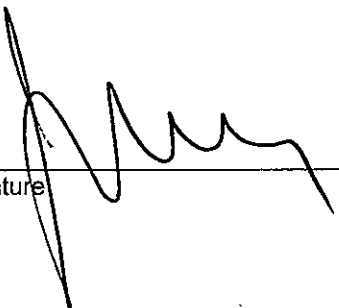
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AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

EXHIBIT F  
DECLARATION REGARDING DEPOSIT

|   |   |  |
|---|---|--|
| NAME OF OWNER (S)<br>South Dakota Agricultural Experiment Station | ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)<br>South Dakota State University<br>Ag Hall 129<br>Brookings, SD 57007          | TEMPORARY OR EXPERIMENTAL DESIGNATION<br>SD000366-36                           |
| NAME OF OWNER REPRESENTATIVE (S)<br>Dr. John Kirby                | ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)<br>SD Agricultural Experiment Station<br>Box 2207 - SDSU<br>Brookings, SD 57007 | VARIETY NAME<br>Stallion<br>FOR OFFICIAL USE ONLY<br>PVPO NUMBER<br>#200700045 |

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature 

Date 14 November 06

17